

Brown, Ronnette (DOS)

From: Lawrence, Mark (DOS)
Sent: Wednesday, January 08, 2014 4:05 PM
To: Donoghue, Julie M (DOS)
Cc: Brown, Ronnette (DOS); Nickerson, Donna L (DOS); Makowski, Kathleen P (DOJ); 'Bill Denman (wdenman@pgslegal.com)'; 'Hardy, Sarah'; Iorii, Regina (DOJ); 'jhh@stevenslee.com'; 'gregory.fike@us.af.mil'; 'tchryssikos@washgas.com'; 'mmosier@wges.com'; Maucher, Andrea (DOS); Price, Ruth A (DOS); Bonar, David L (DOS); Smith, Jason (DOS); McDowell, Connie (DOS); Hall, Monica L (DOS); 'jhh@stevenslee.com'; Howatt, Robert (DOS); Dillard, Janis L (DOS); Davis-Oliva, Patricia (DOJ)
Subject: RE: PSC Docket 13-383 Chesapeake Proposed Rider & Schedule Changes

Dear Ms. Donoghue: I do not appreciate your unprofessional email, but I cannot say I am surprised.

First, as has been the practice here for at least a decade, the Order regarding Pro Hac Vices and Local Counsel is a separate Commission Order from the Intervention Order. Second, WGES' Local Counsel Mr. Huston was included on the Service List for the Intervention Order.

I will not address any of the other nonsense you have raised as I have substantive matters to attend to today.

Your request to modify the Intervention Orders is denied.

Mark Lawrence
Hearing Examiner
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904
Tel: (302) 736-7540
Fax: (302) 739-4849
Email: mark.lawrence@state.de.us

From: Donoghue, Julie M (DOS)
Sent: Wednesday, January 08, 2014 2:32 PM
To: Lawrence, Mark (DOS)
Cc: Brown, Ronnette (DOS); Nickerson, Donna L (DOS); Makowski, Kathleen P (DOJ); 'Bill Denman (wdenman@pgslegal.com)'; 'Hardy, Sarah'; Iorii, Regina (DOJ); 'jhh@stevenslee.com'; 'gregory.fike@us.af.mil'; 'tchryssikos@washgas.com'; 'mmosier@wges.com'; Maucher, Andrea (DOS); Price, Ruth A (DOS); Bonar, David L (DOS); Smith, Jason (DOS); McDowell, Connie (DOS); Hall, Monica L (DOS); 'jhh@stevenslee.com'; Howatt, Robert (DOS); Dillard, Janis L (DOS); Davis-Oliva, Patricia (DOJ)
Subject: RE: PSC Docket 13-383 Chesapeake Proposed Rider & Schedule Changes
Importance: High

Dear Hearing Examiner Lawrence,

With all due respect, I note that on December 26, 2013, I responded to your email sent on 12-26-13 regarding these two intervention petitions and stated as follows:

"Although I reserve Staff's right to object to these petitions to intervene, I'd like to ask whether either of these proposed parties (the USAF or WGES) have also filed motions for pro hac vice admission. Neither of these petitions includes a licensed Delaware attorney, but the Commission's rules clearly require such a motion for an out-of-state attorney (see 26 Del. Admin. C. §1001-2.1.2)."

On January 2, 2014, I received an email from Mr. Joe Huston who has recently been retained by WGES to serve as local counsel. I note that the order you issued for WGES does not address my preliminary issue, which was that this company had not designed local counsel or filed any pro hac vice motions, which in turn precluded such attorneys from filing the petition. I also note that you did not include Mr. Huston on this correspondence or state in the order that he has filed a notice of appearance. In addition, the two attorneys listed for WGES have filed pro hac vice motions.

I also note that your order issued for the USAF stated you had an ex parte conversation with both counsel to the USAF and someone from the DOJ's office. Your communications were, per se, ex parte under the Commission's rules and therefore improper. You should have included all counsel who have entered appearances for this matter. Moreover, your order indicated that someone at the DOJ's office approved your decision to allow an attorney who is not licensed to practice law in Delaware (or has not indicated that he is authorized to do so) to appear in this matter on behalf of the USAF. The Commission's rules require that such attorney file a pro hac vice motion in order to appear in this matter or hire local counsel. In addition, you failed to consult with either me (as counsel to the PSC Staff) or Ms. Makowski (as counsel to the Commission and HE for this matter) on a matter involving the DOJ.

Therefore, I respectfully request that you consider modifying your issued orders to properly address the pro hac vice issues and the ex parte matter that you have raised.

Respectfully submitted,

--Jo Donoghue

Julie (Jo) M. Donoghue
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From: Hall, Monica L (DOS)
Sent: Wednesday, January 08, 2014 1:21 PM
To: McDowell, Connie (DOS); Smith, Jason (DOS); Donoghue, Julie M (DOS); Makowski, Kathleen P (DOJ); Bill Denman (wdenman@pgslegal.com); Hardy, Sarah; Bonar, David L (DOS); Price, Ruth A (DOS); Iorii, Regina (DOJ); Maucher, Andrea (DOS); mmosier@wges.com; tchryssikos@washgas.com; jhh@stevenslee.com; 'gregory.fike@us.af.mil'
Cc: Lawrence, Mark (DOS); Brown, Ronnette (DOS); Nickerson, Donna L (DOS)
Subject: PSC Docket 13-383 Chesapeake Proposed Rider & Schedule Changes

Hello All,

On behalf of Hearing Examiner Mark Lawrence, please find attached two orders granting intervention in the above referenced docket to Washington Gas Energy Services, Inc. and the United States Air Force.

I have also attached the current Service List. Please let me know if you have any updates.

Have a Great Day!

Monica L. Hall

Paralegal

Delaware Public Service Commission

Cannon Building

861 Silver Lake Blvd., Suite 100

Dover, DE 19904

Tel: 302-736-7564

Fax: 302-739-4849

monica.hall@state.de.us

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